

IDAHO BOARD OF CHIROPRACTIC PHYSICIANS
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 2/13/2015

BOARD MEMBERS PRESENT: Mary Jo White, D.C. - Chair
Kathleen Joann McKay, D.C.
Michael Troy Henze, D.C.
Charles H. Coiner
John Downey, D.C.

BUREAU STAFF: Lori Peel, Investigative Unit Manager
Maurie Ellsworth, Legal Counsel

The meeting was called to order at 1:00 PM MST by Mary Jo White, D.C.

APPROVAL OF MINUTES

Dr. McKay made a motion to approve the minutes of August 1, 2014. It was seconded by Dr. Henze. Motion carried.

Dr. McKay made a motion to approve the minutes of August 22, 2014. It was seconded by Dr. Henze. Motion carried.

Dr. Henze made a motion to approve the minutes of September 5, 2014. It was seconded by Dr. McKay. Motion carried.

Dr. McKay made a motion to approve the minutes of September 11, 2014. It was seconded by Dr. Henze. Motion carried.

Dr. McKay made a motion to approve the minutes of October 20, 2014. It was seconded by Mr. Coiner. Motion carried.

EXECUTIVE SESSION

Mr. Coiner made a motion that the Board enter executive session to discuss pending litigation with counsel per Idaho Code 67-2345(1)(f). The purpose of the executive session was to discuss the oral argument and proceedings in case CHI-2010-7. It was seconded by Dr. Henze. Motion carried. The vote was: Dr. McKay, aye; Dr. Downey, aye; Mr. Coiner, aye; Dr. Henze, aye; and Dr. White, aye. Motion carried.

Mr. Coiner made a motion to come out of executive session. It was seconded by Dr. McKay. The vote was: Dr. McKay, aye; Dr. Downey, aye; Mr. Coiner, aye; Dr. Henze, aye; and Dr. White, aye. Motion carried.

DISCIPLINARY CASE CHI-2010-7

Dr. Henze stated for the record he was very uncomfortable with the investigation and the 18 counts in the complaint.

The Board reviewed the Hearing Officer's Findings of Fact and Conclusions of Law on case CHI-2010-7.

COUNT 1 – Mr. Coiner moved that the Board accept the Hearing Officer's Recommendation and add a violation of Idaho Code 54-712(10). Dr. Henze seconded the motion. Motion carried.

COUNT 2 – Dr. Henze moved that the Board accept the Hearing Officer's Recommendation. Dr. Downey seconded the motion. Motion carried.

COUNT 4 – Dr. McKay moved that the Board accept the Hearing Officer's Recommendation. Dr. Downey seconded the motion.

COUNT 14 – Dr. Henze moved the Board finds that the Hearing Officer inadvertently left out count 14 in his Conclusion of Law and that the Board accepts the Hearing Officer's Findings of Fact sustaining the violation and concludes as a matter of law that Respondent violated Idaho Code 54-712(13). Dr. McKay seconded the motion. Motion carried.

COUNT 16 – Dr. McKay moved to accept the Hearing Officer's Recommendation. Dr. Henze seconded the motion. Motion carried.

COUNT 18 – Dr. Downey moved to accept the Hearing Officer's Recommendation. Mr. Coiner seconded the motion. Motion carried. Dr. Henze voted nay.

NEXT MEETING

It was moved by Mr. Coiner that the next Board meeting be scheduled for February 20, 2015 at 1:00 PM. It was seconded by Dr. McKay. Motion carried.

ADJOURNMENT

Mr. Coiner made a motion to adjourn the meeting at 4:55 PM MST. It was seconded by Dr. Henze. Motion carried.

Mary Jo White, D.C., Chair

Kathleen Joann McKay, D.C.

Michael Troy Henze, D.C.

Charles H. Coiner

Tana Cory, Bureau Chief